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Air Pollution Regulations in State Implementation Plans: South Carolina

Abcor Inc, Wilmington, MA Walden Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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South Carolina

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

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EPA Project Officer: Bob Schell

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-090

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

SOUTH CAROLINA

Submittal Date	Approval Date	Description
8/23/72	10/28/72	Reg. 1A 2A, 4A
8/16/73	2/1/74	Reg. 1A, 2A, 4A, 5A
3/14/74	9/6/74	Entire Regs. (format change i.e. numbering system) SO_2 Emission limitation in Standard No. 2

FEDERAL REGULATIONS

Section Number	Description
52.2125	Review of New or Modified Indirect Sources
52.2131	Prevention of Significant Deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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AIR POLLUTION CONTROL REGULATIONS

(2.0) REGULATION NO. 2.1

(1.0) SECTION I

DEFINITIONS

The following words and phrases when used in the Regulations and Standards shall for the purpose of these regulations have the meanings respectively ascribed to them in this section, unless a different meaning is clearly indicated. This section augments Section 1 of the South Carolina Pollution Control Act.

Acid Mist - Sulfuric acid mist and droplets plus sulfur trioxide emitted during the manufacture of sulfuric acid.

Add - Additions to a process which will increase size, scope or emissions from such process.

Alter - Alter means modification or change in a process or processes which would affect emissions to the atmosphere.

Ambient Air Quality Standards - That standard for the quality of ambient air at or beyond a property line on which a source of pollution is emitting.

Application - Means a form provided by the Department which is prescribed to provide the information required to grant approval to construct and operate a source or an incinerator; or to report an existing incinerator.

Board - Board means Board of Health and Environmental Control.

Commissioner - Commissioner means the Commissioner of the Department of Health and Environmental Control.

Department - Department means the Department of Health and Environmental Control.

Effective Stack Height - The sum of the stack height and the rise of the stack gases above the stack due to the exit gas velocity and temperature.

Environmental Location - Location of human, plant, or animal life or property.

Fuel Burning Operation - Use of furnace, boiler, device or mechanism used principally but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not

contacted by and adds no substance to the products of combustion.

Fugitive Dust - Solid airborne particulate matter emitted at or near ground level from any source other than a flue.

Garbage - Animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Incinerator - Means an engineered apparatus and all appurtenances thereto, designed to reduce combustible solid, semi-solid, liquid, or gaseous waste by high temperature burning.

Mass Emission Rate - The weight discharged per unit of time.

New Incinerator - Means one on which construction or operation began on or after February 11, 1971.

Opacity - The obscuration by smoke or other fine particulate matter of an observer's view to a degree comparable to that of a corresponding number on the Ringelmann Chart.

Open Burning - Any fire or smoke-producing process which is not conducted in any boiler plant, furnace, high-temperature processing unit, incinerator or flare, or in any other such equipment primarily designed for the combustion of fuel or waste material.

Particulate Matter - Any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

Process Industry - Any source engaged in the manufacture, processing, handling, treatment, forming, storing or any other action upon materials except fuel-burning operations.

Process Weight - The total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for combustion and other purposes.

Process Weight Rate - A rate established as follows:

(a) For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(b) For cyclical or batch unit operations, or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

Refuse - Garbage, rubbish and/or trade waste.

Ringelmann Chart - The chart published and described in the U. S. Bureau of Mines Information Circular 7718, on which is illustrated graduated shades of gray to black for use in estimating the light obscuring capacity of smoke.

Rubbish - Solid wastes from residences and dwellings, commercial establishments, and institutions.

Salvage Operations - Any operation of a business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers, drums or automobiles.

Smoke - Small gas-borne and airborne particles arising from a process of combustion in sufficient number to be observable by a person of normal vision under normal conditions.

Solid Fuel - A fuel which is fired as a solid such as coal, lignite and wood.

Stack - Any flue, conduit, duct, chimney, or opening arranged to conduct an effluent into the open air.

Stack Height - The vertical distance measured in feet between the point of discharge from the stack or chimney into the outdoor atmosphere and the elevation of the land thereunder.

Standard Conditions - 760 millimeters of mercuty at 25^{o} Centigrade.

Trade Waste - All solid, liquid or gaseous material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals and cinders.

(3.0) SECTION II

1. CONSTRUCTION PERMIT REQUIRED

Any person who plans a facility which may discharge an air contaminant to the atmosphere from any source where such person is not now discharging such material; any person intending to build, alter or add to any source, or device for the control of air contaminant

discharges, shall first apply to the Department for a permit to construct, alter, or add to the source or device. No permit shall be required for the construction and operation of space heating systems of less than 500,000 BTU/hr., dwellings of four families or less, or motor vehicles. In the case of portable or semi-portable equipment, the new location is the only new information required if relocation is the only change, and if already permitted.

2. CONSTRUCTION PERMIT APPLICATION

A. Submit a completed application form as provided by the Department.

B. In addition, if information is not provided on form required by 2.A., submit, as applicable:

(1) A complete description of the process being contemplated.

(2) A statement giving the character, volume and concentration, length of time of discharge if intermittent, of the solid, liquid or gas which will be discharged as measured by a reliable method or as estimated according to accepted practice. Such methods or accepted practices shall be described by reference or by exact description.

(3) A description of any air pollution control system or methods which will be installed and used, including engineering and perspective drawings where such drawings will add to the understanding of the system or method.

(4) A description of the manner or method used to determine that no undesirable levels will be created and no applicable Federal or State standards or regulations will be contravened or violated.

(5) Such other pertinent data as may be necessary for a good understanding of the proposal which is being made, or as required by the Authority.

Any permit granted shall be based, in part, upon the statements and description contained in the application and addenda. Any such statements and descriptions which are found to be incorrect may be the cause for immediate revocation of the permit.

The construction permit is required for any construction, alteration or addition started on or after February 11, 1971.

No permit will be required for emergency power generators, portable air compressors, laboratory hoods or maintenance or replacement in kind of existing equipment. However, the Department shall be notified of the use of emergency power generators within one week of the emergency

use if such extends that long or longer.

3. OPERATION PERMIT REQUIRED

In addition to a permit to construct, a permit to operate shall be obtained. Upon completion of the construction, addition to, or alteration of a facility, the Department shall be notified. The source will then be evaluated for satisfactory operation. If determined to be satisfactory, a permit to operate will be issued. This permit may be temporary in nature if additional operating experience is needed to evaluate the source. In making this evaluation the Department may require the owner or operator of the source to furnish test date or other evidence of satisfactory performance.

(2.0) SECTION III

ENGINEERING GUIDES AND ANALYTICAL METHODS

A statement of guidelines, engineering factors to be considered, the analytical methods used, and procedures established will be published by the Department from time to time and will be on file and distributed by the Department to interested persons. These guides may serve as a basis of design to install or modify equipment or devices subject to the provisions of these Regulations and Standards.

(51.13) REGULATION NO. 2.2

OPEN BURNING

(51.13) SECTION I

PROHIBITION OF OPEN BURNING

Open burning is prohibited except as provided below:

Open burning may be conducted in certain situations if no "undesirable levels" are or will be created. The authority to conduct open burning under this Regulation does not exempt or excuse the person responsible for the burning from the consequences of or the damages or injuries resulting from the burning and does not exempt or excuse anyone from complying with other applicable laws and with ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this Regulation. The situations which are exempt from this Regulation and the conditions for exemption are enumerated in the following paragraphs (A-J):

A. Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences or dwellings of four families or less, and burned on those premises.

B. Open burning in connection with the preparation of food for immediate consumption.

C. Campfires and fires used solely for recreational purposes or for ceremonial occasions.

D. Fires purposely set to forest lands for specific forest management purposes in accordance with practices acceptable to the Board of Health and Environmental Control.

E. Fires purposely set for agricultural control of diseases, weeds, pests, and for other specific agricultural purposes in accordance with practices acceptable to the Department of Health and Environmental Control.

F. Open burning of trees, brush, grass and other vegetable matter for game management purposes in accordance with practices acceptable to the Department of Health and Environmental Control.

G. Open burning in other than predominantly residential area for the purpose of land clearing or right-of-way maintenance. This will be exempt only if the following conditions are met:

(1) Prevailing winds at the time of the burning are away from any

city or town, the ambient air of which may be significantly affected by smoke from the burning.

(2) The location of the burning is at least one thousand (1,000) feet from all residential, commercial and industrial facilities other than a dwelling or structure located on the property on which the burning is conducted.

(3) The amount of dirt on the material being burned is minimized.

(4) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produces smoke of a shade darker than No. 2 on the Ringelmann Chart are not a part of the material burned.

(5) The initial burning may be commenced only between the hours of 9:00 A.M. and 3:00 P.M.; no combustible material is added to the fire between 3:00 P.M. of one day and 9:00 A.M. the following day.

(6) No more than one pile 60' x 60' or equivalent will be burned within a six-acre area at one time.

(7) In the case of land clearing, all salvageable timber and pulpwood must be removed.

(8) A written report or warning to a person of a violation at one site shall be considered adequate notice of the Regulation and subsequent observed violations at the same or different site will result in immediate appropriate legal action by the Board.

H. Fires set for the purposes of training public fire-fighting personnel when authorized by the appropriate governmental entity, and fires set by a private industry as a part of an organized program of drills for the training of industrial fire-fighting personnel will be exempt only if the following condition is met:

(1) The drills are solely for the purpose of fire-fighting training and the duration of the burning held to the minimum required for such purposes.

I. Open burning of rubbish and garbage on the premises of and originating from private residences or dwellings of four families or less where services for the disposal of such materials are not available and open burning on the property where it occurs of trade waste from building and construction operations will be exempt only if the following conditions are met:

(1) The location of the burning is at least five hundred (500)

reet from any dwelling located in a predominantly residential area other than a dwelling or structure located on the property on which the burning isconducted.

(2) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any other trade waste which produce amounts of smoke of a shade darker than No. 2 on the Ringelmann Chart is not burned.

(3) The initial burning is commended only between the hours of 9:00 A.M. and 3:00 P.M.; no additional fuel shall be added before 9:00 A.M. of the following day.

J. Open burning, in remote or specified areas:

(1) Of such trade waste as constitutes rubbish as defined in this Regulation provided smoke of shade darker than No. 2 on the Ringelmann Chart is not emitted except for a reasonable period to get the fire started, and the burning is conducted in accordance with Section I. G. of this Regulation.

(2) Of highly explosive or other dangerous material for which there is no other feasible method of disposal.

(3) For non-recurring unusual circumstances.

(4) For experimental burning for purposes of data gathering and research.

However, a written permit for these types of burning (in subparagraph J. above) must be obtained in advance from the Department.

The Department reserves the right to impose other or different restrictions and exemptions on open burning in addition to those enumerated above, whenever in the judgment of the Department this is necessary to realize the purpose of this Regulation.

(8.0) REGULATION NO. 2.3

AIR POLLUTION EPISODE REGULATIONS

(2.0) SECTION I

GENERAL

This regulation is responsive to the requirements of 42 CFR 420.16 and is designed to prevent the excessive build-up of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these pollutants on the health of persons.

(8.0) SECTION II

EPISODE CRITERIA

In consonance with the emergency powers contained in Section 32 of the Pollution Control Act, conditions justifying the proclamation of any stage of an air pollution episode shall be deemed to exist whenever the Commissioner determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to substantial threat to the health of persons. In making this determination, the Commissioner will be guided by the criteria listed below.

1. FORECAST - This level will normally be activated when an Air Stagnation Advisory (ASA) is issued for any part of South Carolina by the Columbia Forecast Office of the National Weather Service. If continuous air monitoring equipment indicates an upward trend in pollutant concentrations, the Commissioner may request that the National Weather Service issue an ASA, even though meteorological factors do not appear critical. In the absence of an ASA, the Commissioner may, at his discretion, declare this level when it is in the best interest of public health and welfare.

2. WATCH - This level will be activated when continuous air quality monitoring indicates that one of the following pollutant concentrations has been reached:

   SO_2 - 400 $\mu g/m^3$ (0.15 p.p.m.), 24-hour average;
   Particulate - 3.0 COHs or 375 $\mu g/m^3$, 24-hour average;
   SO_2 and particulate combined - Product of SO_2 p.p.m., 24-hour average and COHs equal to 0.15 or product of SO_2 $\mu g/m^3$, 24-hour average, and particulate $\mu g/m^3$, 24-hour average equal to 49×10^3;
   O_3 (Oxidant) - 200 $\mu g/m^3$ (0.1 p.p.m.), 1-hour average (Metropolitan Charlotte AQCR only);

and meteorological conditions are such that the pollutant concentrations can be expected to remain at the above levels for twelve (12) hours or more, or increase, or in the case of oxidants, the situation is likely to recur within the next 24 hours unless control actions are taken.

3. ALERT - This level indicates that air quality is continuing to deteriorate and that additional control actions are necessary. An alert will be declared when monitoring indicates that one of the following pollutant concentrations has been reached:

   SO_2 - 800 $\mu g/m^3$ (0.3 p.p.m.), 24-hour average;
   Particulate - 4.0 COHs or 500 $\mu g/m^3$, 24-hour average;
   SO_2 and particulate combined - product of SO_2 p.p.m., 24-hour average and COHs equal to 0.7 or product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 229 x 10^3;
   O_3 (Oxidant) - 800 $\mu g/m^3$ (0.4 p.p.m.), 1-hour average (Metropolitan Charlotte AQR only);

   and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) hours or more, or increase, or in the case of oxidants, the situation is likely to recur within the next 24 hours unless control actions are taken.

4. EMERGENCY - The primary objective of this plan is to prevent this level from ever being reached; however, should this level be reached the most stringent control actions are necessary. An emergency will be declared when monitoring indicates that one of the following pollutant concentrations has been reached:

   SO_2 - 1600 $\mu g/m^3$ (0.6 p.p.m.), 24-hour average;
   Particulate - 6 COHs or 750 $\mu g/m^3$, 24-hour average;
   SO_2 and particulate combined - product of SO_2 p.p.m., 24-hour average and COHs equal to 1.3 or product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 425 x 10^3;
   O_3 (Oxidant) - 1200 $\mu g/m^3$ (0.6 p.p.m.), 1-hour average (Metropolitan Charlotte AQCR only);

   and meteorological conditions are such that this condition can be expected to continue for twelve (12) hours or more, or increase, or in the case of oxidants, the situation is likely to recur within the next 24 hours unless control actions are taken.

5. TERMINATION - Once declared, any level reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower level will be assumed.

The appropriate episode stage will be declared on a regional basis, as dictated by air quality monitoring. Adverse air quality need not be regionwide to trigger control actions; the appropriate episode stage will be declared for an entire Air Quality Control Region when any monitoring site within the region records ambient air quality in excess of that designated in the criteria.

(8.0) SECTION III

EMISSION REDUCTION REQUIREMENTS

Persons responsible for the operation of a source of air pollutants as listed in Tables 1, 2 and 3 below are required to plan for and may be required to implement emission reduction as indicated.

TABLE 1 - EMISSION REDUCTION PLANS
WATCH LEVEL

PART A. GENERAL

When a Watch Level is declared, the following voluntary actions will be requested.

1. There should be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste should be limited to the hours between 12 noon and 4 p.m.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing should perform such operations between the hours of 12 noon and 4 p.m.

4. Persons operating motor vehicles should eliminate all unnecessary operations.

PART B. SOURCE CURTAILMENT

Persons responsible for the operation of a source of air pollutants listed below shall be advised of existing conditions and be advised to review their emission reduction plans.

1. Coal or oil-fired electric power generating facilities.

2. Coal or oil-fired process steam generating facilities.

3. Manufacturing industries of the following classifications:

Primary Metals Industry
Petroleum Refining Operations
Chemical Industries
Mineral Processing Industries
Paper and Allied Products
Grain Industry

TABLE 2 - EMISSION REDUCTION PLANS
ALERT LEVEL

PART A. GENERAL

Upon declaration of an Alert Level the following will apply:

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Persons operating motor vehicles are requested to reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

PART B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert Level to include the following:

1. Coal or oil-fired electric power generating facilities.

   A. Maximum reduction by utilization of fuels having lowest ash and sulfur content.

   B. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

   C. Maximum reduction by diverting electric power generation to facilities outside of Alert Area.

2. Coal and Oil-fired process steam generating facilities.

   A. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.

   B. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

C. Making ready for use a plan of action to be taken if an emergency develops.

3. Manufacturing industries which require considerable lead time for shut-down including the following classifications.

Petroleum Refining
Chemical Industries
Primary Metals Industries
Glass Industries
Paper and Allied Products

A. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operations.

B. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or any malodorous substances.

C. Maximum reduction of heat load demands for processing.

D. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

4. Manufacturing industries which require relatively short lead times for shut-down, including the following classifications:

Primary Metals Industries
Chemical Industries
Mineral Processing Industries
Grain Industry

A. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

B. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances.

C. Maximum utilization of heat load demands for processing.

D. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE 3 - EMISSION REDUCTION PLANS
EMERGENCY LEVEL

PART A. GENERAL

Upon declaration of Emergency Level the following will apply:

1. There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form.

2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

3. All places of employment described below shall immediately cease operations.

   A. Mining and quarrying of nonmetallic minerals.

   B. All construction work except that which must proceed to avoid emergency physical harm.

   C. All manufacturing establishments except those required to have in force an air pollution emergency plan.

   D. All wholesale trade establishments; i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers or acting as agents in buying merchandise for or selling merchandise to such persons or companies except those engaged in the distribution of drugs, surgical supplies and food.

   E. All offices of local, county and State governments including authorities, joint meetings and other public bodies except such agencies which are determined by the chief administrative officer of local, county, or state government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

   F. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

   G. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchangers and services; offices of insurance carriers, agents and brokers, real estate offices.

   H. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

I. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.

J. Automobile repair, automobile services, garages.

K. Establishments rendering amusement and recreational services including motion picture theaters.

L. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

PART B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency Level to include the following:

1. Coal or oil-fired electric power generating facilities.

A. Maximum reduction by utilization of fuels having lowest ash and sulfur content.

B. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

C. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.

2. Coal and oil-fired process steam generating facilities.

A. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.

B. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

C. Take the action called for in the emergency plan.

3. Manufacturing industries of the following classifications:

Primary Metals Industries
Petroleum Refining
Chemical Industries
Mineral Processing Industries
Grain Industry
Paper and Allied Products

A. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

B. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

C. Maximum reduction of heat load demands for processing.

D. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

(6.0) REGULATION NO. 2.4

COMPLIANCE SCHEDULE

(2.0) SECTION I

GENERAL

The owner or operator of any source subject to the emission limitations of Air Pollution Control Regulations and Standards for the State of South Carolina shall comply with the schedule of incremental steps necessary to achieve final compliance set forth in Section II of this standard, as applicable. This requirement shall not apply to the owner or operator of any source which is already in compliance with existing standards* or for which a compliance schedule has heretofore been approved and is currently in effect.

(6.0) SECTION II

The incremental steps required by Section I of this regulation shall be accomplished no later than the relevant dates shown in Part A of this section. The Board will consider alternative schedules to the ones in Part A by individual sources if (a) a request is received by September 1, 1973, or two months before the first incremental step in Part A of this section is due, whichever is the later; (b) the alternative schedule so requested will not alter the final compliance date in this section; (c) the proposed alternative schedule is supported by adequate evidence showing that the schedule is attainable.

(13.0) SECTION III

REPORTS REQUIRED

1. The owner or operator of any source subject to the compliance schedule in Part A of Section II of this standard shall notify the Board within five (5) days after the deadline for each incremental step whether or not the required incremental step has been met.

2. The owner or operator of any source subject to the compliance schedule in Part A of Section II of this standard shall notify the Board ten days prior to conducting a performance test. The Board reserves the right to have an observer present for such tests.

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*The owner or operator of the source must certify compliance to the Board and furnish supporting evidence no later than the date that the first incremental step in Section II is to be attained, if ALREADY IN COMPLIANCE with emission standards. All others follow the schedule in Section II.

PART A. COMPLIANCE SCHEDULE

Source Class	Applicable Standard	Plans & Permit Application Submitted	Necessary[1] Contracts Let	On-Site Construction Started	Construction Completed	Final[2] Compliance
Cotton Gins	Std. No. 5A Section V	Sept. 15, 1973	Dec. 1, 1973	May 15, 1974	July 1, 1974	July 1, 1974[3]
Fuel Burning Operations (Particulates)	Std. No. 2A Section I	Oct. 1, 1973	Dec. 1, 1973	Jan. 15, 1974	June 1, 1974	July 1, 1974
Hot Mix Asphalt Plants	Std. No. 5A Section VI-C	Sept. 1, 1975	Nov. 15, 1975	Dec. 15, 1976	May 1, 1977	July 1, 1977
Mining, Quarrying & Other Non-enclosed Operations	Std. No. 5A Section III	Oct. 15, 1973	Dec. 15, 1973	Mar. 1, 1974	June 1, 1974	July 1, 1974
Incinerators	Std. No. 4A Section I-E	Sept. 15, 1973	Oct. 15, 1973	Dec. 1, 1973	Dec. 31, 1973	Dec. 31, 1973
Primary & Secondary Metals Plants	Std. No. 5A Section VII	Nov. 1, 1973	Feb. 1, 1974	Apr. 1, 1974	Apr. 15, 1975	May 1, 1975
Pulp & Paper Manufacturing Plants	Std. No. 5A Section II	Nov. 1, 1973	Jan. 15, 1974	May 15, 1974	Apr. 1, 1975	July 15, 1975
Sulfuric Acid Manufacturing Plants	Std. No. 5A Section I	Nov. 1, 1974	Apr. 1, 1975	Jan. 1, 1976	June 1, 1977	July 1, 1977

1. Include purchase orders or contracts for equipment or services necessary to achieve compliance with standards in accordance with plans and permit applications submitted and approved.

2. Final compliance is achieved after all adjustments to control equipment or processes have been made and emission test shows that standards are being met.

3. As soon after July 1, 1974, as possible, but no later than October 15, 1974 - Conduct performance test and/or certify to the Board compliance with applicable regulations and standards. This date is extended to coincide with the approximate starting date of the 1974 ginning season.

(8.0) REGULATION NO. 2.5

HAZARDOUS CONDITIONS

(2.0) SECTION I

GENERAL

The owner or operator of any source, in addition to complying with all applicable regulations and standards, shall take all steps necessary to protect human health and welfare and otherwise minimize the effects of unintended, short-term or other releases of air contaminants and other substances which produce unintended hazardous conditions.

(1.0) SECTION II

DEFINITIONS

1. Hazardous Conditions (or hazardous levels) - Shall refer to conditions created by the release or discharge into the ambient air of one or more air contaminants which because of the characteristic and/or quantity of material involved may pose an imminent threat to the health of anyone who might come in contact with the material through this release as well as involving substantial risk of injury, to include injury to property or plant and animal life. This includes the indirect threat to human life and property by the creation of traffic hazards.

2. Traffic Hazards - For purposes of this regulation a traffic hazard resulting from impairment of visibility exists whenever the concentration of dust, fumes, condensed vapor, or any other substance is such that the horizontal visibility at or near ground level is reduced to 2400 feet or less.

(12.0) SECTION III

TRAFFIC HAZARDS

The emission of smoke, dust, fumes, condensed vapor, or any other substance which creates a traffic hazard on public roads by impairment of visibility, or intensifies an existing condition to the extent that a traffic hazard is created is prohibited.

(8.0) SECTION IV

EMERGENCY ACTIONS

In the event that releases of dust, fumes, smoke, gases, mists, vapors or other substances occur in such quantity as to create imminently

hazardous levels, all necessary emergency acts shall be taken to cause the release to cease, to notify nearby residents and occupants, to assist in evacuation if deemed necessary, to notify the Department of Health and Environmental Control immediately and to take such other action as responsible officials deem advisable.

(8.0) SECTION V

CLEANUP

If releases to the atmosphere of air contaminants result from spillage and cause such concentrations as to produce an imminently hazardous level, clean up activities shall begin as soon as possible, and shall be completed to the satisfaction of the Commissioner.

(2.0) SECTION VI

NOTIFICATION

The affected public, the Department of Health and Environmental Control, the South Carolina Disaster Preparedness Agency, and all law enforcement officials having jurisdiction shall be notified promptly by the owner or operator of the source in the event of releases of material which may cause imminently hazardous levels. If traffic hazards are created, notification shall be made to appropriate state or local agencies of the possible existence of such a condition and of the corresponding need for posting of appropriate signs, warning devices or flagmen. When the concentrations of materials are reduced sufficiently as to no longer present an imminent hazard, public announcement will be made, and normal operations may resume.

(50.0) REGULATION 2.6

AIR POLLUTION CONTROL STANDARDS

STANDARD NO. 1
SMOKE EMISSION

(50.1.2) SECTION I

EXISTING SOURCE

A. No one shall discharge to the ambient air from any source existing or under construction prior to February 11, 1971, smoke of a shade as dark or darker than No. 2 on the Ringelmann Chart. For a total of five (5) minutes in one hour or twenty (20) minutes in a 24-hour period, Ringelmann Scale No. 2 may be exceeded for start-up, shut-down, soot blowing or equipment change but shall not exceed Ringelmann Scale No. 3.

B. Smoke, exclusive of condensed water vapor, from fuel burning shall not obscure an observer's view to a degree as great as or greater than does smoke designated as No. 2 on the Ringelmann Chart.

(50.1.2) SECTION II

NEW SOURCES

A. No one shall discharge to the outside atmosphere from any single source constructed on or after February 11, 1971, smoke of a shade as dark or darker than No. 1 on the Ringelmann Chart. For a total of five (5) minutes in one hour or twenty (20) minutes in a twenty-four hour period, Ringelmann Scale No. 1 may be exceeded for a start-up, shut-down, soot blowing or equipment change but shall not exceed Ringelmann Scale No. 3.

B. Smoke, exclusive of condensed water vapor, from fuel burning shall not obscure an ovserver's view to a degree as great as or greater than does smoke designated as No. 1 on the Ringelmann Chart.

STANDARD NO. 2
EMISSION FROM FUEL BURNING OPERATION

(51.5) SECTION I

PARTICULATES

The allowable discharge of particulate matter arising from fuel burning operations shall be limited to the values obtained by use of Figure 1. Fuel burning operations in use or under construction before February 11,

1971, and fuel burning operations constructed on or after February 11, 1971, shall use the appropriate portion of the graph.

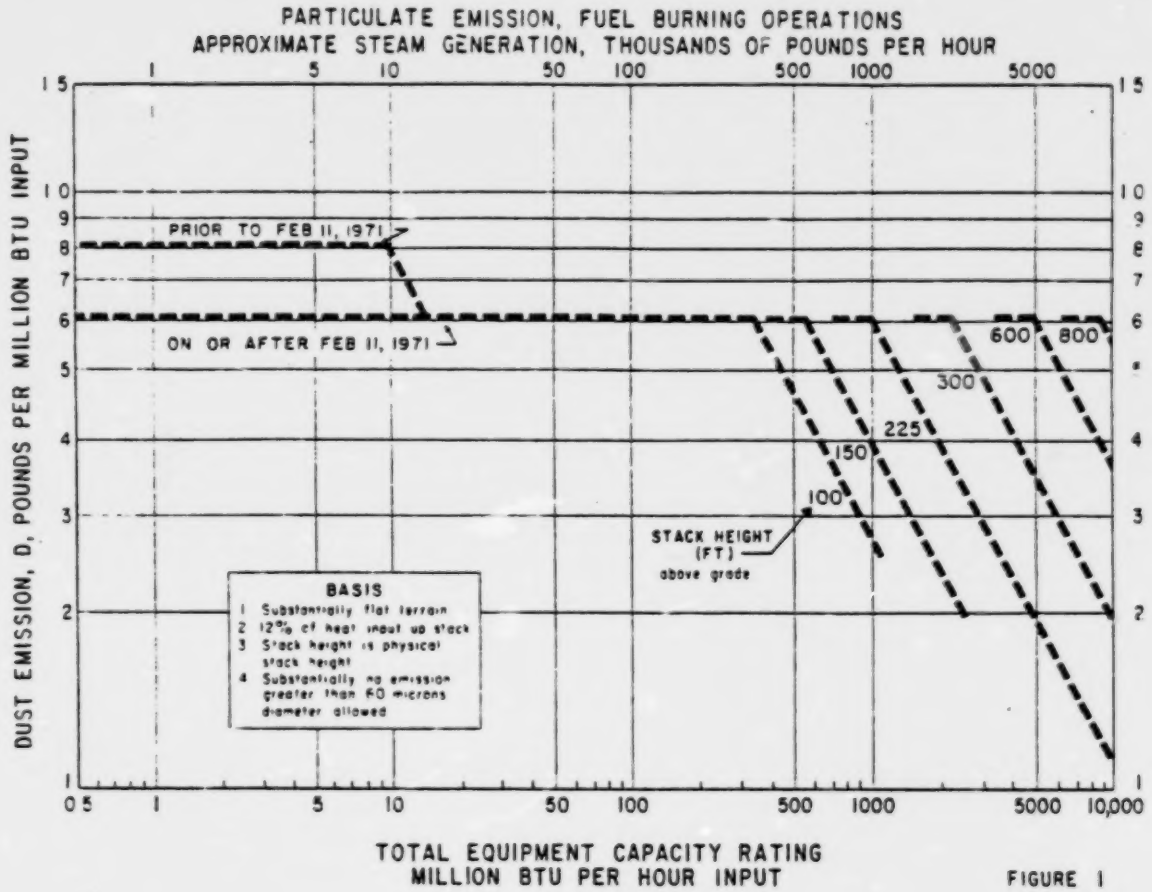

FIGURE 1

(51.6) SECTION II

SULFUR DIOXIDE EMISSIONS

A. The maximum allowable discharge of sulfur dioxide (SO_2) from fuel burning operations shall be in accordance with a system of priorities as specified hereinafter in paragraph B. The classifications shall be delineated on a county basis. The

maximum allowable discharge for the various classes is specified in paragraph C of this Section.

B. (1) The class into which a given county falls has been determined by mathematical atmospheric diffusion models and other methods which evaluate those factors which necessitate limits on sulfur dioxide emissions. These factors include but were not limited to: (1) total sulfur dioxide emissions; (2) spatial distribution of sulfur dioxide sources; (3) effects of single, large sources; (4) existing, measured air quality; (5) topographical features of the county; (6) contributions to background levels due to sources outside the county being considered; (7) population density.

(2) The assigned classifications will be reviewed periodically at intervals not to exceed three years, and changes will be made as required. When a county is assigned to a more restrictive class, individual compliance schedules will be established in such a way that reasonable time will be allowed for the sources to make necessary changes in equipment and/or fuel contracts.

(3) The following classifications will be effective after January 30, 1974, and will remain in effect until changed by the procedure described in subparagraph 2.

Class I - Charleston County

Class II - Aiken County - Anderson County

Class III - All others

C. After January 30, 1974, sulfur dioxide emissions from fuel burning sources located in various counties will not exceed the following limits:

(1) Counties in Class I

Rated Source Size	Maximum Allowable Emissions (lb SO_2/million BTU Input)
Up to and including 10 million BTU/hr.	3.5
Greater than 10 million BTU/hr.	2.3

(2) Counties in Class II

Rated Source Size	Maximum Allowable Emissions (lb SO_2/million BTU Input)
Up to 1000 million BTU/hr.	3.5

1000 million BTU/hr. and larger	2.3

(3) Counties in Class III

Rated Source Size	Maximum Allowable Emissions (lb SO_2/million BTU Input)
All	3.5

D. If it can be demonstrated to the satisfaction of the Board that ambient air standards will not be contravened by a source, alone or in combination with other sources, a greater allowance for sulfur dioxide discharges may be made on a case by case basis. This shall be done in accordance with usual variance procedures.

(2.0) SECTION III

EXEMPTIONS

A. Residences or dwelling of four families or less are exempt from the requirements of this Standard.

B. Ocean-going vessels actually engaged in the physical process of national or international trade or defense shall be exempt from the provisions of Section II of this Standard.

(4.0)

STANDARD NO. 3
AMBIENT AIR QUALITY STANDARDS

The following table constitutes the ambient air quality standards for the State of South Carolina. Additions to this table will be made from time to time, after public hearings.

The analytical methods to be used will be published in ENGINEERING GUIDES AND ANALYTICAL METHODS.

POLLUTANT	MEASURING INTERVAL	MICROGRAMS/CUBIC METER* **
Sulfur Dioxide	3 hour	1300****
	24 hours	365****
	annual	80

* Arithmetic Average except in case of suspended particulates
** At 25°C. and 760 mm Hg.
*** Geometric Mean.
**** Not to be exceeded more than once a year.

POLLUTANT	MEASURING INTERVAL	MICROGRAMS/CUBIC METER* **
Suspended Particulates	24 hours	250
	annual G.M.***	60
Carbon Monoxide	1 hour	25,000
	8 hours	10,000
Photochemical Oxidant	1 hour	100
Non-methane hydrocarbons	3 hours	130
Gaseous Fluorides	30 days	ugm/cm^2/mo.
(as HF)		0.3
Oxides of Nitrogen	annual	100

STANDARD NO. 4

(51.9) SECTION I

REQUIREMENTS FOR EXISTING INCINERATORS

A. All existing incinerators shall operate within the following maximum emission limitations:

(1) Particulates in the flue gas discharged into the atmosphere shall not exceed 0.75 pounds per million BTU of heat input to the incinerator, excluding auxiliary fuel.

(2) Emissions shall not produce smoke, the shade or appearance of which is greater than No. 2 (or equivalent opacity) of the Ringelmann Smoke Chart, for an aggregate of more than five (5) minutes in any one hour or twenty (20) minutes in a

* Arithmetic Average except in case of suspended particulates
** At 25^{o}C. and 760 mm Hg.
*** Geometric Mean.
**** Not to be exceeded more than once a year.

twenty-four hour period.

(3) Odors from the incinerator shall be reduced to such a level as not to create an undesirable level.

(4) Emissions shall not contain particles which are sufficiently large as to be visible as individual particles at the emission point or are of such size and nature as to be visible individually as incandescent particles. This requirement shall only apply if particles fall on real property other than that of the person responsible for the emission.

B. Prior to July 1, 1971, owners or operators of existing incinerators shall have complied with the requirements of this Section or shall have obtained approval in writing from the Department of a program designed to meet the above requirements.

C. Large municipal type incinerators will not be subject to these standards and will be subject to fuel burning standards instead.

D. Operators or owners of all incinerators existing or under construction prior to February 11, 1971, except domestic-type incinerators intended for private residences of four families or less, shall furnish the Department with a completed application form. This application shall be furnished within ninety days after the effective date of these standards, if such information has not already been filed.

E. All existing incinerators must conform to the requirements for New Incinerators in Section II below, after December 31, 1973.

(51.9) SECTION II

REQUIREMENTS FOR NEW INCINERATORS

A. An application provided by the Department shall be submitted to the Department for a permit to construct new incinerators except domestic-type incinerators intended for use in private residences of four families or less. Upon completion of the incinerator, the Department shall be notified so that the unit may be evaluated for the required permit to operate.

B. All new incinerators shall operate within the following minimum emission limitations:

(1) Particulates in the flue gas discharged into the atmosphere shall not exceed 0.5 pounds per million BTU of heat input to the incinerator, excluding auxiliary fuel.

(2) Emissions shall not produce smoke the shade or appearance of

which is as dark or darker than No. 1 of the Ringelmann Chart, or equivalent opacity, for an aggregate of more than three (3) minutes in any one hour or fifteen (15) minutes in a twenty-four hour period.

(3) Odors from the incinerator shall be reduced to such a level as not to create an undesirable level.

(4) Emissions shall not contain individual particles which are sufficiently large as to be visible as individual particles at the emission point or are of such size and nature as to be visible individually as incandescent particles. This requirement shall only apply if such particles fall on real property other than that of the person responsible for the emission.

C. Large municipal type incinerators will not be subject to these standards and will be subject to fuel burning standards instead.

(51.21)

STANDARD NO. 5
EMISSION FROM PROCESS INDUSTRIES

(51.18) SECTION I

SULFURIC ACID MANUFACTURING PLANTS

The rate of emission of sulfur dioxide from sulfuric acid manufacturing plants shall be limited to 10 pounds per ton of 100% acid produced and emissions of acid mist to 0.5 pounds of sulfuric acid per ton of 100% acid produced. The Board further requires that all sulfuric acid manufacturing plants shall emit no more than 4 pounds of sulfur dioxide per ton of 100% sulfuric acid produced by July 1, 1977.

(51.14) SECTION II

PULP AND PAPER MANUFACTURING PLANTS

The rate of particule emissions from pulp and paper manufacturing plants shall be limited to the following:

	Maximum allowable emission of particulates in pounds/equivalent ton of air dried, unbleached pulp produced.
Recovery Furnace Stack	2.75
Dissolving Tank Vents	1.0
Lime Kiln Stack	1.0

(51.2) SECTION III

(51.3) MINING, QUARRYING AND OTHER NON-ENCLOSED OPERATIONS

A. All quarries, mines, pits, and other sources of this type shall be operated in such a manner that a minimum of particulate matter becomes airborne. In no case shall established ambient air quality standards be exceeded at or beyond the property line.

B. The owner or operator of the plant shall maintain dust control of the plant premises and access roads by suitable measures.

C. All crushing, drying, classification and like operations shall employ a suitable control device acceptable to the Department, and shall discharge no more particulate matter than that specified in Section VII of this Standard.

(51.3) SECTION IV

CEMENT MANUFACTURING PLANTS

The rate of emission of particulate matter from cement plants shall be limited to the following:

Production Rate Per Kiln (Tons per Hour)	Maximum Allowable Emissions of Particulate Matter Per Kiln (Pounds per Hour)
10	14
15	18
20	22
25	25
30	29
50	40
60	42
80	45
100	47
120	48
130	49
150	50
180	52
200	53

(51.1) SECTION V

COTTON GIN

The particulate emissions from a cotton ginning operation shall be limited to the maximum rate specified in the table below for the process rate allocated to such process.

Production Rate (Output) (Bales* per Hour)	Maximum Allowable Rate of Particulate (Pounds per Hour)
4	12.3
5	14.4
6	16.2
7	18.0
8	19.5
9	21.2
10	22.8
11	24.2
12	25.8
13	27.1
14	28.5
15	29.9
16 and above	31.2

(51.8) SECTION VI

HOT MIX ASPHALT PLANTS

A. The rate of emission of particulate matter from hot mix asphalt plants in operation or under construction on March 1, 1972, shall be limited to the following:

Aggregate Process Weight (Tons per Hour)	Maximum Allowable Emission Rate (Pounds per Hour)
20	30
50	45
100	57
150	67
200	75
250	82
300	88
350 and above	94

B. The rate of emission of particulate matter from hot mix asphalt plants beginning operation in South Carolina after March 1, 1972, shall be limited to the following:

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*For the purpose of this standard a bale is defined as a finished bale weighing 500 pounds.

Aggregate Process Weight (Tons per Hours)	Maximum Allowable Emission Rate (Pounds per Hours)
20	22
50	31
100	38
150	45
200	51
250	56
300	61
350 and above	65

C. The Rate of emission of particulate matter from all hot mix asphalt plants shall be limited to the amounts shown in Paragraph B of this Section by July 1, 1977.

D. All hot mix asphalt plants shall be equipped with a fugitive dust control system which shall be operated and maintained in such a manner as to reduce to a minimum the emission of particulate matter from any point other than the stack outlet.

E. The owner or operator of all hot mix asphalt plants shall maintain dust control of the plant premises and access roads by paving, oil treatment or other suitable measures.

(51.21) SECTION VII

OTHER PROCESS INDUSTRIES

A. The particulate emissions from all other process industries shall be limited to the rate specified in Table A for the process weight rate allocated to such process, and modified using the effect factors of Table B.

B. Interpolation of the data in this table for process weights up to 30 tons per hour shall be accomplished by use of the equation:

$$E = 4.10\ p^{0.67}$$

and interpolation and extrapolation of the data for process weight rates greater than 30 tons per hour shall be accomplished by using the equation:

$$E = 55.0\ p^{0.11} - 40$$

where E = the allowable emission rate in pounds per hour,
and P = process weight rate in tons per hour.

TABLE A

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

PROCESS WEIGHT RATE (Tons/Hour)	RATE OF EMISSION (Pounds/Hour)	PROCESS WEIGHT RATE (Tons/Hour)	RATE OF EMISSION (Pounds/Hour)
0.05	0.551	8	16.5
0.10	0.877	9	17.9
0.20	1.40	10	19.2
0.30	1.83	15	25.2
0.40	2.22	20	30.5
0.50	2.58	25	35.4
0.75	3.38	30	40.0
1.00	4.10	35	41.3
1.25	4.76	40	42.5
1.50	5.38	45	43.6
1.75	5.96	50	44.6
2.00	6.52	60	46.3
2.50	7.58	70	47.8
3.00	8.56	80	49.0
3.50	9.49	100	51.2
4.00	10.4	500	69.0
4.50	11.2	1,000	77.6
5.00	12.0	3,000	92.7

TABLE B

EFFECT FACTOR FOR PARTICULATE EMISSIONS*
(TO BE USED WITH STANDARD 5 - SECTION VII)

MATERIAL	EFFECT FACTOR
a. All materials not specifically listed hereunder	1.0
b. Elements and their compounds on the basis of the element contained therein**.....	none assigned
c. Specific Materials: Acid Mists.....	0.25

*The Board will make additions to this table as required from time to time to preserve public health and property in South Carolina.

**When a material contains two or more elements, the effect factor of the element having the lowest effect factor shall apply.

FEDERALLY PROMULGATED

REGULATIONS

(10.0) 52.2125 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(17.0) 52.2131 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations

Pollutant	Class I (ug/m^3)	Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (iii) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)